

REMARKS

Claims 1-25, 27-29 and 32-40 were examined. Applicant has amended claims 1, 24, 32, and 33. Claim 27 has been cancelled. No new matter has been introduced.

Objections to the Claims

Claim 27 is objected to for depending on a cancelled claim.

Claim 27 has been cancelled.

Allowable Subject Matter

Applicant thanks the examiner for the indication that claims 28-29 and 34-40 are allowed, and that claims 5-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections under 35 US §103

Claims 1-4, 24-25, 32 and 33 rejected under §103(a) as being obvious over Simons et al (US 6036924) in view of Lum (GB 2335990) further in view of Betts et al (US 5405510).

Telephone Interview

The Applicant thanks the Examiner for taking the time to review and discuss with the Applicant about the proposed claim language on July 20, 2010.

The Applicant appreciates the Examiner's indication that the claim language of "optical analyte detecting members providing an optical indicator of analyte levels in said sample fluid" results in structural difference between the claimed embodiments and the prior art. Claims 1, 24, 32, and 33 have been amended accordingly. Since claims 3-4 depend on claim 1 and claim 25 depends on claim 24, they are also allowable at least for depending from an allowable base claim. The Applicant respectfully requests all rejections with respect to these claims be withdrawn.

CONCLUSION

Applicant believes that the application is now in condition for allowance and respectfully requests the same.

The examiner is authorized to charge any fees due in connection with this paper to Deposit Account 50-4634 (PEL-2784).

Respectfully submitted,

GOODWIN PROCTER LLP

Date: 7/20/10
135 Commonwealth Drive
Menlo Park, CA 94025
Tel: 650 752-3106
Customer No. 77845

By: 
David Xue, Reg. No. 54,554